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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 G3 GENUINE GUIDE GEAR INC.,

10 Plaintiff,

11 v.

12 MARKER DEUTSCHLAND GMBH,
13 et al.,

14 Defendants.

C15-561 TSZ

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable
16 Thomas S. Zilly, United States District Judge:

17 (1) Defendants' motion for summary judgment, docket no. 35, is DENIED, and
18 plaintiff's cross-motion for partial summary judgment, docket no. 49, is GRANTED.
19 The Court concludes, as a matter of law, that independent Claim 1 and dependent
20 Claim 37 of U.S. Patent No. 8,746,728 B2 ("the '728 Patent") are not anticipated by
21 French Patent No. 2,613,949, which was issued to Raymond Durfort and Roger Brard.
22 The Court will enter a separate order setting forth its reasoning concerning the
23 anticipation defense. With regard to whether Claim 35 of the '728 Patent is invalid on
the basis of obviousness,¹ and whether plaintiff would be entitled to increased or treble
damages on the ground of willful infringement, the Court is persuaded that genuine
disputes of material fact preclude summary judgment. See Fed. R. Civ. P. 56(a).

¹ Plaintiff's related motion to strike, docket no. 57-1, portions of defendants' reply brief and two
declarations submitted therewith is DENIED.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 9th day of May, 2017.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk